

then such plan shall be treated as a plan in critical status for such plan year for purposes of applying section 4971(g)(1)(A) of such Code, section 302(b)(3) of such Act (without regard to the second sentence thereof), and section 412(b)(3) of such Code (without regard to the second sentence thereof).

(c) ELECTION AND NOTICE.—

(1) ELECTION.—An election under subsection (a) shall—

(A) be made at such time and in such manner as the Secretary of the Treasury or the Secretary's delegate may prescribe and, once made, may be revoked only with the consent of the Secretary, and

(B) if the election is made—

(i) before the date the annual certification is submitted to the Secretary or the Secretary's delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, be included with such annual certification, and

(ii) after such date, be submitted to the Secretary or the Secretary's delegate not later than 30 days after the date of the election.

(2) NOTICE TO PARTICIPANTS.—

(A) IN GENERAL.—Notwithstanding section 305(b)(3)(D) of such Act and section 431(b)(3)(D) of such Code, if the plan is neither in endangered nor critical status by reason of an election made under subsection (a)—

(i) the plan sponsor of a multiemployer plan shall not be required to provide notice under such sections, and

(ii) the plan sponsor shall provide to the participants and beneficiaries, the bargaining parties, the Pension Benefit Guaranty Corporation, and the Secretary of Labor a notice of the election and such other information as the Secretary of the Treasury (in consultation with the Secretary of Labor) may require—

(I) if the election is made before the date the annual certification is submitted to the Secretary or the Secretary's delegate under section 305(b)(3) of such Act and section 432(b)(3) of such Code, not later than 30 days after the date of the certification, and

(II) if the election is made after such date, not later than 30 days after the date of the election.

(B) NOTICE OF ENDANGERED STATUS.—Notwithstanding section 305(b)(3)(D) of such Act and section 431(b)(3)(D) of such Code, if the plan is certified to be in critical status for any plan year but is in endangered status by reason of an election made under subsection (a), the notice provided under such sections shall be the notice which would have been provided if the plan had been certified to be in endangered status.

**SEC. 205. TEMPORARY EXTENSION OF THE FUNDING IMPROVEMENT AND REHABILITATION PERIODS FOR MULTIEMPLOYER PENSION PLANS IN CRITICAL AND ENDANGERED STATUS FOR 2008 OR 2009.**

(a) IN GENERAL.—If the plan sponsor of a multiemployer plan which is in endangered or critical status for a plan year beginning in 2008 or 2009 (determined after application of section 204) elects the application of this section, then, for purposes of section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986—

(1) except as provided in paragraph (2), the plan's funding improvement period or rehabilitation period, whichever is applicable, shall be 13 years rather than 10 years, and

(2) in the case of a plan in seriously endangered status, the plan's funding improvement period shall be 18 years rather than 15 years.

(b) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELECTION.—An election under this section shall be made at such time, and in such manner and form, as (in consultation with the Secretary of Labor) the Secretary of the Treasury or the Secretary's delegate may prescribe.

(2) DEFINITIONS.—Any term which is used in this section which is also used in section 305 of the Employee Retirement Income Security Act of 1974 and section 432 of the Internal Revenue Code of 1986 shall have the same meaning as when used in such sections.

(c) EFFECTIVE DATE.—This section shall apply to plan years beginning after December 31, 2007.

Mr. POMEROY. Mr. Speaker, I rise today in favor of moving this bill, H.R. 7327, the Worker, Retiree, and Employer Recovery Act of 2008, forward in an expedited manner.

Mr. Speaker, this Congress needs to provide pension funding relief rightaway before adjourning in order to prevent needless unemployment and unnecessary freezing of pension plans. We also need to help seniors who are forced to take funds out of retirement accounts that are much lower than balances at the end of last year.

This bill is important to workers so that their retirement years will be more secure, and to employers so that the cost of the defined benefit pensions, which they are committed to offering their employees, will be more predictable. This bill also provided relief to retirees over age 70 and a half who are required to take a distribution from their IRA or 401(k).

I commend the Chairman and Ranking Member of the Ways and Means Committee, and the Chairman and Ranking Member of the Education and Labor Committee for bringing a bill to the floor that helps retirees, workers and pension plans cope with the unprecedented volatile investment environment while also including technical tax and ERISA provisions that give the added clarity retirement plans needed to comply with the Pension Protection Act.

Let me also extend thanks to the staff of the Ways and Means Committee, and the Education and Labor Committee and their counterparts in the Senate. Their hard work brings us to this point.

It is imperative that we act now.

Facing the most severe recession in decades, U.S. companies will need to plan a careful business strategy and keep a firm control on expenses. According to a survey of Chief Executive Officers (CEOs), pension costs have become a major concern in this fiscal environment as sizeable increases in pension funding requirements due to the significant market declines will make an economic recovery more challenging.

The bill takes important steps to help corporations remain committed to providing retirement promises to workers through defined benefit plans. In addition, the bill includes similar critical relief for multi-employers' pension plans that cover union workers at many smaller employers especially those in construction industry. At the same time if workers are covered in a plan and its funding level falls below a level at which benefit restrictions would apply the bill allows those plans to look at their 2008 funding level and protect workers from a mandated frozen pension.

We do not want to put employers in a no win pinch when they would have to choose between providing pensions or keeping employees on their jobs. Our Nation's pension

plan is a voluntary system and employers can decide that offering a pension simply no longer makes good business sense. Tonight Congress tells employers we understand that and we want to help you meet your pension obligations in a predictable way.

For those retirees who must take a distribution from their IRA or 401(k) account that today has a dramatically lower value than the account at the end of last year, the bill will allow them to not take such distributions in 2009.

In conclusion, just let me say that American workers are anxious about their retirement security. Today, the House of Representatives is acting to address and to reduce this uneasiness. It is a very important bill, and I urge its adoption.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

**SHORT-TERM ANALOG FLASH AND EMERGENCY READINESS ACT**

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 3663) to require the Federal Communications Commission to provide for a short-term extension of the analog television broadcasting authority so that essential public safety announcements and digital television transition information may be provided for a short time during the transition to digital television broadcasting, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the Senate bill is as follows:

S. 3663

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Short-term Analog Flash and Emergency Readiness Act".

**SEC. 2. COMMISSION ACTION REQUIRED.**

(a) PROGRAM REQUIRED.—Notwithstanding any other provision of law, the Federal Communications Commission shall, not later than January 15, 2009, develop and implement a program to encourage and permit, to the extent technically feasible and subject to such limitations as the Commission finds to be consistent with the public interest and the requirements of this Act, the broadcasting in the analog television service of only the public safety information and digital transition information specified in subsection (b) during the 30-day period beginning on the day after the date established by law under section 3002(b) of the Digital Television Transition and Public Safety Act of 2005 for termination of all licenses for full-power television stations in the analog television service and the cessation of broadcasting by full-power stations in the analog television service.

(b) INFORMATION REQUIRED.—The program required by subsection (a) shall provide for the broadcast of—

(1) emergency information, including critical details regarding the emergency, as broadcast or required to be broadcast by full-power stations in the digital television service;

(2) information, in both English and Spanish, and accessible to persons with disabilities, concerning—

(A) the digital television transition, including the fact that a transition has taken place and that additional action is required to continue receiving television service, including emergency notifications; and

(B) the steps required to enable viewers to receive such emergency information via the digital television service and to convert to receiving digital television service, including a phone number and Internet address by which help with such transition may be obtained in both English and Spanish; and

(3) such other information related to consumer education about the digital television transition or public health and safety or emergencies as the Commission may find to be consistent with the public interest.

### SEC. 3. LIMITATIONS.

In designing the program required by this Act, the Commission shall—

(1) take into account market-by-market needs, based upon factors such as channel and transmitter availability;

(2) ensure that broadcasting of the program specified in section 2(b) will not cause harmful interference with signals in the digital television service;

(3) not require the analog television service signals broadcast under this Act to be retransmitted or otherwise carried pursuant to section 325(b), 338, 339, 340, 614, or 615 of the Communications Act of 1934 (47 U.S.C. 325(b), 338, 339, 340, 614, or 615);

(4) take into consideration broadcasters' digital power levels and transition and coordination plans that already have been adopted with respect to cable systems and satellite carriers' systems;

(5) prohibit any broadcast of analog television service signals under section 2(b) on any spectrum that is approved or pending approval by the Commission to be used for public safety radio services, including television channels 14-20; and

(6) not include the analog spectrum between channels 52 and 69, inclusive (between frequencies 698 and 806 megahertz, inclusive) reclaimed from analog television broadcasting pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)).

### SEC. 4. DEFINITIONS.

As used in this Act, the term "emergency information" has the meaning such term has under part 79 of the regulations of the Federal Communications Commission (47 C.F.R. part 79).

Mrs. CAPPS. Mr. Speaker, I rise today in strong support of S. 3663, the Short-term Analog Flash and Emergency Readiness Act.

On February 18, 2009, full-power television stations in the United States will stop broadcasting in analog and transition to all-digital broadcasting. This is undoubtedly an important step forward for our country; it allows us to more efficiently utilize our airwaves, and to lay the groundwork for a nationwide public safety network. However, we must proceed with caution to ensure that segments of our population are not left behind and remain informed in cases of emergency.

That is why I introduced the SAFER Act. This bill creates a program within the FCC that allows for the continuation of analog signals to televisions

for 30 days following the DTV transition. It ensures that, once the digital television transition has taken place, unprepared analog televisions will receive a short "slide"—in English and Spanish—explaining that the digital transition has occurred and what viewers need to do to continue receiving television broadcasts. The bill also allows for emergency communications, such as natural disaster alerts, to be broadcast to unprepared analog televisions. The fires that raged through my congressional district and other parts of southern California last month are an example of alerts that could be broadcast to television viewers who were unprepared for the DTV transition.

According to the GAO, over 17 million households rely exclusively on analog over-the-air television, and while broadcasters, the FCC and others have been working furiously to let them know about the upcoming transition, there will inevitably be some folks left behind. In fact, that is exactly what happened after an FCC "test" transition in Wilmington, NC. Despite saturation advertising announcing the change and a geographic topography most conducive to it, nearly 2,000 households woke up to find that their televisions did not work; when extrapolated to the entire Nation this could mean that at least 1.5 million households will wake up on February 18 without a working television.

We also know that certain segments of our population will likely be disproportionately impacted by the digital transition: Latinos, African Americans, and seniors. As someone who represents a congressional district that is 42 percent Latino and has many senior citizens, I find this very troubling. Clearly, we should be doing everything we can to ensure that no Americans are left behind during this important time.

Mr. Speaker, I am grateful to my colleague Senator ROCKEFELLER and his staff for taking leadership on this important bill in the Senate, and to Chairman DINGELL and his staff for working closely with us to ensure that no one is left behind by the DTV transition.

I urge my colleagues to support S. 3663, the Short-term Analog Flash and Emergency Readiness Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### GENERAL LEAVE

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill that was just passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### MAKING A TECHNICAL CORRECTION TO THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

Mrs. CAPPS. Mr. Speaker, I ask unanimous consent that the Committees on Energy and Commerce, Education and Labor, and Ways and Means be discharged from further consideration of the Senate bill (S. 3712) to make a technical correction in the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the Senate bill is as follows:

S. 3712

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TECHNICAL CORRECTION IN MENTAL HEALTH PARITY EFFECTIVE DATE.

Section 512(e)(2)(B) of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 (subtitle B of title V of division C of Public Law 110-343) is amended by striking "January 1, 2009" and inserting "January 1, 2010".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

### GENERAL LEAVE

Mrs. CAPPS. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill just passed by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

### ENSURING THAT THE COMPENSATION AND OTHER EMOLUMENTS ATTACHED TO THE OFFICE OF SECRETARY OF STATE ARE THOSE WHICH WERE IN EFFECT ON JANUARY 1, 2007

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to take from the Speaker's table S.J. Res. 46 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. ISSA. Mr. Speaker, I reserve the right to object. If I could inquire of the gentleman: Would this bill, in fact, proactively cover the Secretary of State if it is Senator HILLARY CLINTON?

Mr. DAVIS of Illinois. Yes, it covers whoever is nominated.